
**City of Nibley
Planning Commission
Held at Nibley City Hall
455 West 3200 South
Nibley, UT 84321
Thursday September 21, 2023**

Call to Order – Roll Call – Approval of Agenda – Approval of Minutes

Commission Chair Garrett Mansell called the meeting to order at 6:32 p.m.

Present: Commission Chair Garrett Mansell, Commission Vice Chair Bret Swenson, Commissioner Tyler O Bray, Commissioner Matt Logan, Commissioner Karina Brown and Alternate Commissioner Clair Schenk

Absent:

Staff Present: City Planner Levi Roberts, Assistant Recorder Jamie Ann Gonzales and City Engineer Tom Dickinson

Guests Present: Mayor Larry Jacobsen, Taelor Ogden and Holly Fronk

Applicants: Development Manager Becca Rees, Maverik, Inc.

There was general consent for the evening's agenda.

There was general consent for August 17, 2023, meeting minutes.

Discussion and Consideration: Teuscher Flag Lot Subdivision Final Plat, located at approximately 3800 S 450 W (Applicant: Ethan Teuscher)

Mr. Roberts utilized an electronic presentation entitled *Teuscher Flag Lot Final Plat* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **Background**
- **Final Plat**
- **Staff Recommendation**

Approval of Teuscher Flag Lot Subdivision Final Plat, located at approximately 3800 S 450 W

Action: Approval of Teuscher Flag Lot Subdivision Final Plat located at approximately 3800 S 450 W

Motion: Commissioner O Bray

Second: Commissioner Brown
Vote: Unanimous; 5-0

Discussion and Consideration: Final Design Standard Approval: Amendment to Design of Gasoline Service Station at 3090 S Hwy 165 (Applicant: Maverik, Inc)

Mr. Roberts utilized an electronic presentation entitled *Maverik Design Change* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **Background**
- **Current Canopy Rendering**
- **Proposed Canopy Rendering**
- **Standards**
- **Design Conflict**
- **Staff Recommendation**

Denial of Final Design Standard Approval: Amendment to Design of Gasoline Service Station At 3090 S Hwy 165 for proposed fascia and associated signage changes. Approve change to canopy column design.

Mr. Roberts mentioned that the recommendation was based on the submittal given by Maverik with the proposed red, aluminum siding. He informed the Commission that Maverik's presentation showed changes in that design which had not been reviewed by staff.

Ms. Rees utilized an electronic presentation entitled *Maverik Store #368 Nibley Remodel – Maverik Response to Staff Report* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

Her presentation included:

- **Background & Three Proposed Changes**
- **Canopy Elevation Drawings, 1st Submittal**
- **Staff Report, Objections & Maverik Responses**
- **Re-Proposed Canopy**
- **Example: Maverik Store #680 St. George**

Commissioner Brown thanked Ms. Rees for the cookies and Nibley's Maverik location.

Commissioner Obray made a point of clarification regarding staff's recommendation that was based on the original renderings. He brought up discussion on what would be an appropriate recommendation from the Commission.

Commissioner Logan responded to Commissioner Schenk regarding the canopy column design.

Commissioner Schenk received clarification that the aluminum wrap did not seem to meet the

design standard of architectural metals. Mr. Roberts thought the intent of architectural metal was a little more decorative than what was proposed. He thought the color change resolved that issue, and expressed that staff did not get into detail of the signage because it was combined with the façade. He did not think it would be an issue but said he would have to investigate it further.

Commissioner Swenson received clarification that aluminum was only proposed for the canopy, and the building would only be repainted. He stated that he had no problems with the St. George example.

Mr. Roberts clarified for Commissioner Obray that the canopy had design standards and was not reviewed as a sign.

Commissioner Mansell agreed with Commissioner Swenson on the look of the St. George example, but did not like that staff did not review everything first before presenting to Planning Commission. Commissioner Logan replied that he did not care and wanted to approve it.

Commissioner Obray confirmed the canopy color as *worldly gray*.

Ms. Rees responded to Commissioner Brown that there were several updated branding remodels.

Commissioner Obray brought to attention that the re-proposed canopy listed the *eastman red* and not the *worldly gray* in the keyed notes, so it could not be approved.

Action: Approval of canopy re-design based on slide #8 with modifications of color schemes to replace red with the color worldly gray and to have staff confirm the color palettes and change to match Maverik's presentation
Motion: Commissioner Obray
Second: Commissioner Logan

Commissioner Swenson asked Mr. Roberts' concern with the motion. Mr. Roberts responded that it was probably fine. He said he probably would have reviewed the signage, but did not see any "blaring" issues.

The Commission discussed the logo.

Vote: Unanimous; 5-0

Workshop: Animal Land Use Ordinance

Mr. Roberts announced that Holly Fronk was present from the committee along with Mayor Jacobsen and Mrs. Gonzales. He utilized an electronic presentation entitled *Animal Land Use Ordinance* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **Background**

- **Recommended Ordinance Changes**
- **Specific Adjustments to Points**
- **New Species**

Commissioner Logan said it was “silly” and did not think horses had any business on .75 acres or less. He expressed dislike for the vacant parcel idea which could create a “mini farm” and smell to neighbors. Ms. Fronk questioned Commissioner Logan’s thought on not allowing horses on less than .75 acres. Commissioner Obray clarified that it was .75 acres with a residential dwelling.

Commissioner Mansell explained the amendments to the Commission and how the committee considered several factors including state recommendations and county boarding in 20 x 20 stalls. He agreed with Commissioner Logan regarding smell. Mr. Roberts added that there was a lot of feedback from people outside of Nibley staff. He felt that it was a balance between providing an environment for animals to thrive and being good neighbors.

Commissioner Obray countered that the county 20 x 20 enclosure was fine if the horses were fed and taken out to exercise, because the stables were away from people. He said there would be an impact and no way to control the smell and flies in a residential neighborhood on .75 acres or less. He did not think horses or cows belonged on anything less than one (1) acre.

The Commission discussed mitigating manure. Mr. Roberts communicated that enforceability was a big part of the committee discussions.

Commissioner Obray thought they could make an exception for short term storage and that the adjacent vacant lot was a good clarification.

Commissioner Swenson brought up discussion on animal housing. Mr. Roberts said that without a permit process, enforcement would be difficult.

Commissioner Obray brought up an example of two (2) pigs allowed on .75 acres and the timeline from farrow-to-finish. He thought there should be an exception for babies, to avoid a hog operation. Mr. Roberts expressed that babies needed to be parented on premises and would be on the honor system. Commissioner Logan stated that it would get abused. Commissioner Obray reiterated that he did not think they should allow the offspring of pigs to be on the property for more than four (4) weeks.

Commissioner Brown asked about citizen complaints. Mr. Roberts addressed it. He explained that if the city did not see a code violation, then it could not be enforced. However, if the city became aware, then it could be followed up on.

Mr. Roberts clarified the dog limit of three (3) on a two-dwelling parcel.

The Commission discussed how to approach the amendments to the ordinance. Mr. Roberts suggested taking more time to review. He mentioned that staff wanted more public engagement beyond the public hearing, with information in the newsletter and on *Facebook*. Mrs. Gonzales

suggested the process they used when updating the Land Use Chart and would email a copy of the amendments to the Commissioners. Commissioner Mansell gave direction to look it over and red line any changes or suggestions before next meeting.

Workshop: Ordinance 23-33: Public improvements required with commercial, industrial and institutional site plan approval

Mr. Roberts utilized an electronic presentation entitled *Site plan review public improvement requirements* (a printed copy of the presentation is included in the printed, record copy of the meeting minutes).

His presentation included:

- **Background**

Commissioner Mansell asked for an example on a commercial property. Mr. Roberts discussed a scenario and clarified that there had not been any applications submitted with this issue.

Mr. Dickinson spoke to the current code centered around a subdivision and gave an example.

Commissioner Swenson brought up discussion and addressed the word *shall* in *19.14.060(B)(2) Commercial applicants ~~may shall be required to make any road updates, extensions, or expansions necessary in order to ensure the adjacent roadways will maintain LOS C. 2 and comply with Nibley City Design Standards proportional to the impact of the development.~~ Site plans must comply with the Transportation and Trails Master Plan.*

He questioned using *shall* instead of *may*, and scaring off future commercial developments. Mr. Dickinson believed that the Planning Commission would have the option to not require certain things even if it said *shall*. Mr. Roberts thought there was some discretion but the word *shall* tied their hands. Mr. Dickinson suggested adding *proportional*.

Mayor Jacobsen left the meeting at 7:50 p.m.

Staff Report and Action Items

Mr. Roberts reported on the following:

- Parks and Recreation Master Plan
- Rezone Approval at 1200 W 3200 S
- Nibley Coach Subdivision Application
- Johnson Meadows Subdivision
- State Subdivision Code Changes
- APA Utah Training

Commissioner Mansell adjourned the meeting at 8:04 p.m.

ATTEST:

Jamie Ann Gonzales, Assistant Recorder